

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STUDENTS FOR JUSTICE IN
PALESTINE AT THE UNIVERSITY OF
HOUSTON, et al.,

Plaintiffs,

V.

GREG ABBOTT, *in his official capacity only as the Governor of the State of Texas*, et al.,

Defendants.

No. 1:24-CV-523-RP

DECLARATION OF DONELL YOUNG

I, Donell Young, have personal knowledge, or knowledge based on my review of business records of the University of Houston, of all statements below. I hereby swear, affirm, and attest to the following:

1. I am over eighteen years of age, of sound mind and am otherwise competent to make this Declaration. All of the facts contained herein are within my personal knowledge and are true and correct.

2. I am the Dean of Students and Associate Vice President in the Division of Student Affairs at the University of Houston (“UH”).

3. The student body at UH is comprised largely of commuter students rather than students who reside on campus. There are typically not a lot of political protests on campus at UH.

4. Since October 7, 2023, there has been an increase in student engagement related to the conflict between Israel and Palestine. This activity increased even more during the March, April and May of 2024. Pro-Palestinian student protestors were routinely organizing in the Student Center and in other locations on campus.

5. The Students for Justice in Palestine (“SJP”) is a Registered Student Organization (“RSO”) at UH. RSOs at UH are required to abide by several campus policies and procedures. Policies and procedures such as MAPP 01.05.01 (Freedom of Expression), SAM 01.D.15 (Freedom of Expression – System) and 3.01.05 (Posting Flyers on University Kiosks) apply to all RSOs equally and

include protocols for registering organized events. *See* MAPP 01.05.01, Section IV. The procedures focus on the number of students organizing. For example, where more than 50 students are gathered, police may be required to ensure student safety, or the group may be asked to move to a different area. The procedures also ensure there is space for a planned event and it makes practical sense in terms of time and does not otherwise disrupt campus activities.

6. Pursuant to campus policies and procedures, there are certain time, place and manner restrictions on student organization. For example, the use of amplified sound is only permitted in certain areas with prior approval. Chalking any area on campus is an example of a prohibited activity. *See* FAQs - <https://uh.edu/freedomofexpression/>. During the Spring 2024 semester, there were incidents of chalking on campus. In addition, SJP attempted to use amplified sound without approval in areas where it is not permitted. *See* MAPP 01.05.01; SAM 01.D.15.

7. SJP has previously provided proper notice to UH and complied with campus policies and procedures to register their planned meetings, so they know how to do so. But more recently, they have begun holding events without providing notice or reserving space.

8. During the week of commencement ceremonies on campus (May 8-11), students continued to engage in pro-Palestine activities. This included flying a Palestinian flag during some ceremonies and using diploma acceptance time to express themselves. UH permitted students to express themselves during commencement so long as they did not stay too long or otherwise disrupt the ceremony.

9. The UH Police Department had anticipated additional traffic and people on campus during that week. Therefore, campus police had additional support from Houston Police Department, Texas State Troopers, as well as police from other college campuses in Houston.

10. On April 22, 2024, SJP gathered in the student center, held up signs and taped banners. There were approximately 100 or more students. Initially, it was peaceful, but as more students assembled the event became disruptive because the students were using amplified sound inside of the student center, which also violated school policies. Amplified sound is only permitted in designated reservable areas, during certain hours. *See* MAPP 01.05.01, Section VI.B. Amplified sound is not permitted indoors. Not only is the use of amplified sound restricted to certain outdoor areas on campus, but on class days, amplified sound is only permitted during the lunch hours (11:30 to 1:30) and after 4 p.m. *See* MAPP 01.05.01, Section VI.B. The students had been organized for several days prior to April 22, 2024, and it had been escalating each day.

11. On May 3, 2024, at approximately 1:45 p.m., between 100 to 150 people gathered at Butler Plaza on UH campus. They were chanting and holding signs and using amplified sound. The group was reminded of the policy against the use of amplified sound in Butler Plaza, which is immediately outside of a library. *See* MAPP 01.05.01, Section VI.B. UHPD allowed the amplified sound to be used during the prayer portion of the organization, but then the group agreed to relocate to the Student Center. By approximately 3:30 p.m., the group had increased to about 200 people. The

group continued using amplified sound in defiance of the UH policy and contrary to direction from UHPD. UHPD attempted to remove the microphone, as the group was now inside of the student center and disrupting students and patrons during the final examination period for the Spring 2024 semester. The Student Center is a Food Hall, as well as an area for students to gather. The building also has offices for University administration. The group attempted to block UHPD officers and physically pushed them, resulting in the loss of officers' body cameras. The equipment was later recovered after the group exited the Student Center.

12. In the early morning of May 8, 2024, students built an encampment in Butler Plaza on UH campus. This encampment violated state laws regarding camping on public property. Approximately 70 students were involved. The individuals were chanting and had megaphones and amplified sound, which is expressly prohibited in Butler Plaza. No permission was requested for the event and no one requested permission for amplified sound. After the individuals refused to leave, an officer was cut on the arm. Two individuals were arrested, one of whom was charged with assaulting a police officer. It was discovered that some individuals had used university property without permission (wood pallets, which were used as barricades).

13. Those wood pallets had been used for daily operations of the Student Center South. On prior occasions, students had requested permission to reserve space for protests, which was approved, but they did not do so during this event. See photo below on the following page truly and accurately depicting part of the encampment.



14. On May 17, 2024, the UH Board of Regents met and officially announced updated policies related to GA-44.

15. Since October 2023, UH administrators have been keeping a close watch on related activities across the country. In November 2023, a UH student was suspended for declaring via public forum that he would harm anyone who supports Israel. This was a violation of the University Code of Conduct. In January 2024, there was another incident in which a student was arrested for making terroristic threats on campus.

16. Attached hereto as **Exhibit A** is a true and accurate copy of the prior version of MAPP.01.05.01, in effect from December 12, 2023, through May 29, 2024.

Further declarant sayeth naught.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF TEXAS AND THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on August 16, 2024.

A handwritten signature in black ink, appearing to read 'Donell Young', written over a horizontal line.

Donell Young,
Dean of Students and Associate Vice
President, Division of Student Affairs, at the
University of Houston

EXHIBIT A

MAPP.01.05.01 in effect from December 12, 2024 through May 29, 2024

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: General Information
AREA: Legal Affairs

Number: 01.05.01

SUBJECT: Freedom of Expression

I. PURPOSE AND SCOPE

The University of Houston is committed to fostering a learning environment where free inquiry and expression are encouraged. The University expects that persons engaging in expressive activities will demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message, and compliance with University policies and applicable local, state, and federal laws. The University of Houston maintains its right to place reasonable time, place, and manner restrictions on expressive activities. Additionally, any activities that are unlawful or materially and substantially disruptive to the normal operations of the University, will not be tolerated. The purpose of this policy is to provide for expressive activities to be conducted on University grounds in a manner consistent with these principles. Groups of individuals engaging in disruptive activities or failing to comply with University policies and applicable local, state, and federal laws may face immediate removal from the campus and/or other appropriate actions by University officials and University police.

II. POLICY

This policy is applicable to any non-curriculum related expressive activities at locations on University grounds. This policy does not apply to any official University event or activity, except as noted. Common outdoor areas of the University are deemed traditional public forums. Therefore, those who wish to engage in an expressive activity (including literature distribution) may engage in such expressive activity in the University's common areas (e.g., University parks, grassy areas, and sidewalks) without prior registration or approval.

If any area on the University grounds has been reserved pursuant to Section V below, the individual or group who reserved the area has priority for use of the area. If an expressive activity attracts an audience of 50 or more people, substantially disrupts University business or classes, blocks building access, or creates vehicular, pedestrian, or other traffic hazards, the expressive activity may be required to relocate to another area on campus that can better accommodate the large group or type of activity.

University buildings are reserved for use by University of Houston students, faculty, and staff, except as provided herein, or otherwise permitted by policies of the University. Non-permitted commercial activities (as defined in Section III.A of this policy) are not allowed. Expressive activities permitted under this policy do not imply official endorsement by the University. Decisions to be made by University officials under this policy will be based on the guidelines set forth in this policy and in SAM 01.D.15 – *Freedom of Expression*. Decisions will not be based on the content or viewpoint of a proposed expressive activity. Groups or individuals engaged in expressive activities are responsible for the content of the expression. Questions regarding this policy may be directed to the Dean of Students Office.

III. DEFINITIONS

- A. Amplified sound: The use of any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound.

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- B. Decibel level: The intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.
- C. Non-permitted commercial activities: The use of the University's facilities and/or grounds by the University of Houston students, faculty, and staff for personal gain including distribution or posting of commercial literature or other items on campus for personal gain. Non-permitted commercial activities also include commercial use of University space by non-University affiliated individuals or groups where such use is not authorized by a written agreement with the University (See [MAPP 09.03.01](#)).
- D. Expressive activity: Any non-curriculum related rally, parade, demonstration, stationary structure or display, concert or other expressive activity, including literature distribution.
- E. Official University event or activity: Any event, program or activity sponsored by a University department in the course of fulfilling their University mission, activities that occur within the classroom, or events that occur within the regular or recurring sphere of activity of a University department.
- F. Registered student organization: A student organization officially registered with the Center for Student Involvement.
- G. Sign: A billboard, placard, or other writing, drawing, picture, projected image, or similar item displayed for the purpose of promoting events or activities or to convey a message or information of any type.
- H. University: The University of Houston.
- I. University department: Any academic or nonacademic unit or division or any other official University entity.
- J. University grounds: Any outdoor University-owned, leased, or maintained grounds located on the University's main campus, excluding all buildings and structures.

IV. RESERVATION OF OUTDOOR SPACE

University of Houston faculty, staff, students, and members of registered student organizations may reserve the outdoor areas listed in Section V in advance to conduct expressive activities in accordance with this section. Non-University affiliated individuals or groups are only eligible to reserve Lynn Eusan Park (for a fee) and must follow the procedures below to do so. Individuals or groups must request the use of outdoor space through the Conference and Reservation Services Office. Reservations are accepted on a first-come first-served basis. Each outdoor space for any single user, be it a reserving group or individual, can be reserved for a total of three days in any two-week period, but overnight reservation of outdoor space is not allowed. The requesting group or individual seeking to reserve outdoor space pursuant to this section must submit a completed Expressive Activity Description Form ("Form") to the Dean of Students at least seven business days in advance of the proposed expressive activity. Absent extenuating circumstances, the Dean of Students or designee will approve or deny the proposed expressive activity within five business days of receiving the Form. In completing the Form, the following information will be required (Items A-L included on the Form):

- A. Date of application;
- B. Proposed date(s) of the expressive activity;

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- C. Proposed start and finish times;
- D. Proposed location;
- E. Name of the activity;
- F. Anticipated attendance;
- G. Target audience(s);
- H. Advertising methods;
- I. Expressive activity description (i.e., speech, rally, open microphone, display, literature distribution, etc.);
- J. Campus sponsoring organization name and. If any, external sponsoring organization name (co-sponsor);
- K. Contact person name, phone number, and e-mail address; and
- L. Applicant's signature.

The decision as to whether to approve or deny the reservation request will be based on proper and timely completion of the Form, compliance with the applicable sound and sign requirements, and availability of space. This decision will be based only on the aforementioned criteria, and in no circumstances will any decision be based on the content or viewpoint of the expressive activity, or upon the expected reaction of others to the expression, except as permitted by law.

The requesting group or individual, if they so desire, may appeal the Dean of Students' or designee's decision in writing to the Vice President of Student Affairs and Enrollment Services within two business days of the decision. The Vice President of Student Affairs and Enrollment Services will render a decision within two business days of receiving an appeal. Requestors are encouraged to submit their reservation requests as early as possible to allow time after the approval process to prepare for their activities.

The Dean of Students or designee may require an expressive activity to relocate if: (1) the anticipated or actual number of persons attending the event exceeds the reasonable capacity of the space intended for use and, therefore, materially interferes with the educational mission of the University; or (2) the activity potentially conflicts with previously scheduled activities and events.

V. OUTDOOR EXPRESSIVE ACTIVITY AREAS THAT MAY BE RESERVED IN ADVANCE

The areas marked A, B, C, D, E, and F on the campus map (Addendum A) and provided below are the six (6) outdoor expressive activity areas that may be reserved in advance. These six areas may also be used for expressive activity without a reservation; however, an individual or group with a reservation will have exclusive use and priority over other individuals or groups.

- A. Lynn Eusan Park: The park area located northwest of the Hilton College of Hotel and Restaurant Management and southeast of the Ezekiel Cullen Building (Area A on the campus map). This is the only area of the six areas that is available for non-University affiliated individuals or groups to reserve and such individuals or groups must pay any applicable fees.
- B. Student Center Plaza: The paved area located on the western half of the space between Student Center South and Student Center North (Area B on the campus map).

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- C. Student Center North Lawn: The area located on the north side of the Student Center North, surrounded by the M.D. Anderson Library to the west, University Classroom and Business Building to the north and Melcher Hall to the east (Area C on the campus map).
- D. Butler Plaza: The plaza bounded by the Ezekiel Cullen Building, M. D. Anderson Library, the Technology Annex, and Phillip G. Hoffman Hall (Area D on the campus map).
- E. Cougar Woods Arboretum: The grassy area located west of the Cougar Woods Dining Hall between the Dining Hall and Cullen Boulevard (Area E on the campus map).
- F. Student Center Circle: The area in front of the Student Center South (Area F on the campus map).

VI. USE OF AMPLIFIED SOUNDS AND STATIONARY STRUCTURES/DISPLAYS

- A. Stationary Structures/Displays: Expressive activities involving the use of stationary structures or displays are permitted only from 7:00 a.m. to 7:00 p.m. and only in the reservable areas (See Section V) marked A, B, C, D, E, and F on the campus map.

Stationary structures or displays must be kept at least five feet from all walkways.

In no circumstances may any stationary display or structure exceed fifteen feet in length, width, or height, nor may any display or structure present a significant threat to public safety. The requesting group or individual may apply for a limited exception to these size restrictions, which the University shall grant only upon a compelling demonstration to the University that the proposed structure or display will be safe, will pose no significant safety hazard, and will not unduly restrict the egress or ingress of students, faculty, or staff. Any such request for a size exception must be made at least ten business days in advance. A student, faculty member, or staff member responsible for the structure or display must remain with it at all times.

- B. Amplified Sound: The use of amplified sound is only permitted in the reservable areas (see Section V) marked A, B, C, E, and F on the campus map, but is not permitted in Butler Plaza (Area D on the campus map). Amplified sounds may only occur from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to midnight on class days, and from 8:00 a.m. to midnight on non-class days. Amplified sounds shall not exceed 75 decibels levels.

Amplified sound will be measured at the edges of the surrounding buildings. For the purposes of this policy, dB shall mean the intensity of sound expressed in decibels read from the A-level weighting scale and the slow meter response as specified by the American National Standards Institute.

VII. LITERATURE DISTRIBUTION

All literature distribution must comply with the following rules:

- A. Persons distributing information at reserved information table locations must remain within their reserved table space and displays at reserved information table locations do not exceed beyond the dimensions of the width reserved table space and may not exceed seven feet in height.
- B. Literature or other printed materials must be distributed in person.
- C. Literature or other printed materials must not be forced upon others.
- D. The free flow of pedestrian, vehicular, or other traffic must not be obstructed at any point.

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- E. Groups or individuals are responsible for ensuring that literature/printed materials do not litter the area.
- F. Literature/printed materials must not promote non-permitted commercial activities.

Registered student organizations may reserve information tables located in the Phillip G. Hoffman (PGH) Building Breezeway, the Agnes Arnold (AH) Building Breezeway, and the Student Center Information tables in between the Student Center South and the Student Center North for the purpose of distributing literature/printed materials or for other permitted activities. Designed representatives of registered student organizations wishing to reserve these information tables must request the use of space through the Conference and Reservation Services Office. Amplified sound of any type is prohibited in the PGH Breezeway, the AH Breezeway, Student Center Information tables in between the Student Center South and the Student Center North.

This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective University of Houston Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University of Houston students may take place in areas immediately adjacent to SGA polling locations and must comply with the rules cited in the SGA Election Code.

The posting of flyers on outside university kiosks by University of Houston registered student organizations, campus departments, faculty members, staff members, and students is governed by [MAPP 03.01.05](#).

Individuals, groups, or representatives of non-University affiliated entities wishing to reserve information tables must request the use of space through the Conference and Reservation Services Office. The reservation for the use of space is subject to applicable usage fees and associated charges.

VIII. SIGNS POSTED ON UNIVERSITY GROUNDS

The only types of signs that may be placed on University grounds are those that are sponsored by a University department and promote official University-sponsored events or activities. Signs may not be attached to University property (e.g., buildings, light poles, benches.) University departments wishing to display signs on University grounds that promote official University activities and events must obtain approval from the Dean of Students or designee at least seven business days prior to the proposed display. Signs will be subject to reasonable time, place, and manner restrictions and must include the name of the University department sponsoring the activity that it promotes.

IX. TIME, PLACE AND MANNER RESTRICTIONS

- A. The President or designated University representatives shall have the authority to take such steps to prevent expressive activities that materially interfere with the educational mission of the University. Further, activities that are unlawful or that materially and substantially disrupt the normal operations of the University campus are prohibited. Prohibited activities include, but are not limited to, the following:
 1. Activities that are unlawful or that materially and substantially disrupt the normal operations of the university.
 2. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity.
 3. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of university facilities.

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4. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services.
 5. Activities that threaten or endanger the health or safety of any person on university grounds.
 6. Activities that result in damage or destruction of university property. Nothing may be affixed to or written on university property or grounds.
 7. Activities that inherently lose First Amendment protection (e.g., defamatory statements, true threats/fighting words, obscenity [as defined by law])
 8. Expressive signage, posters, displays, or structures (herein "displays") larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
 9. Open flames on the university campus without the express written permission of the university.
 10. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
- B. The University recognizes that some constitutionally-protected speech may be considered offensive by some or all listeners. An Expressive Activity does not automatically rise to the level of denying constitutional, statutory, or legal rights of others, solely because a listener is offended by the argument or idea presented. However, expressive activities that interfere with the legal rights of others will not be tolerated, and will be disciplined according to appropriate University policies, including, but not limited to SAM 01.D.07 – *Anti-Discrimination Policy*, and SAM 01.D.08 – *Sexual-Misconduct Policy*.

X. ENFORCEMENT

- A. Grievances – Complaints of a violation under this policy may be made as follows:

- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable UH [Student Code of Conduct](#), [Student Handbook](#), University Catalog, [Faculty Handbook](#), or employee/personnel manual.

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).

- B. Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.

XI. REVIEW AND RESPONSIBILITY

Responsible Party: Vice President for Legal Affairs and General Counsel

Associate Vice President for Student Affairs and Dean of Students

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Review: Every five years

XII. APPROVAL

/Daniel M. Maxwell/
Interim Vice President for Student Affairs

/Dona Cornell/
Vice President for Legal Affairs and General Counsel

/Renu Khator/
President

Date of President's Approval: December 12, 2023

XIII. REFERENCES AND RESOURCES

[Texas Education Code § 51.9315 – Protected Expression on Campus](#)

[SAM 01.D.15 – Freedom of Expression](#)

[MAPP 03.01.05 – Posting Flyer Information On Outside University Kiosks](#)

[MAPP 09.03.01 – Event Reservations and Rental of University Facilities](#)

Freedom of Expression Campus Map (Addendum A)

[Expressive Activity Description Form](#)

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: General Information
AREA: Legal Affairs

Number: 01.05.01

SUBJECT: Freedom of Expression

Addendum A: Campus Map

